



Traffic Tech

NHTSA TECHNOLOGY TRANSFER SERIES



Number 15

May 1991

Evaluation of the New York State 21 Enforcement Program

In July 1987 a six month long New York State "21 Enforcement Program," was initiated by the State Liquor Authority (SLA) as an innovative project to increase enforcement of New York's 21-year-old alcohol purchase age law. Under the 21-year-old alcohol purchase law it is illegal for a person to sell, deliver, or give away an alcoholic beverage to any person actually or apparently under the age of 21. If the crime takes place in an establishment licensed to sell alcoholic beverages, the establishment is subject to sanctions by the SLA. The 21 Enforcement Program was based on the premise that compliance with the age 21 law is best achieved by responding to violations of the law with criminal sanctions directed at the server or seller and administrative sanctions directed at the establishment. The goal of the program was to reduce drinking and driving by persons under 21 years of age. This study, an ex post facto evaluation of the 21 Enforcement Program, was conducted during 1988-1989 by the Institute for Traffic Safety Management and Research, State University of New York, Albany.

Study Design:

Eighteen local law enforcement agencies located in three New York counties which had implemented the 21 Enforcement Program participated in the evaluation. Two comparison counties were used as control groups. A quasi-experimental design was used, with the evaluators performing administrative and impact evaluations using the results of surveys, interviews, analyses of arrest data, as well as accidents, injuries and fatalities. The increased enforcement effort was coupled with public information and education programs directed at license holders and their employees. The program's effectiveness was tested in the three program counties through comparisons of several variables prior to, during and following program implementation. Changes in these measures at the three target sites were compared with changes in the two control counties.

Major Evaluation Results:

- o While the Enforcement Program was in effect (July-December 1987), there were increases in the number of servers or sellers arrested for violations of the 21 law and the number of establishments referred to the SLA for violations of the law. However, when the Enforcement Program ended, arrest and referral levels returned to baseline. In Buffalo (Erie County) there were 15 preprogram arrests (July-December 1986), 154 during the program, and 7 for the post program period (July-December 1988). Comparable numbers for Nassau County were 1, 112, and 11; in Syracuse (Onondaga County) they were 11, 159, and 4. Similar increases did not occur in the two control counties.
- o The number of referrals to the SLA for specific violations of the Alcohol Beverage Control Law and applicable sections of the penal code increased in all three test sites. The majority of the penalties included the forfeiture of the establishment's bond and the suspension of the establishment's license to sell alcoholic beverages.

- o There were 1,346 responses to a mail survey of managers of establishments licensed to sell alcoholic beverages in the program counties. More than four-fifths believed that the holder of the alcoholic beverage license for the establishment would be penalized with a license suspension or fine if found to be in violation of the law. Three-fourths were aware of the use of underage agents and as a result had initiated more rigorous review of identification and evidence of legal drinking age.
- o During the 1987 Program, 10 of the 18 law enforcement agencies used underage undercover agents. Generally, enforcement conducted by those 10 agencies was more productive and cost-effective than that of the other agencies. The measures included average person hours per investigation (1.4 vs 2.2), average person hours per referral, (8.2 vs 16), average cost per investigation (\$38 vs \$53), and average cost per referral (\$218 vs \$437). The evaluators cautioned: there may have been jurisdictional differences unrelated to the agent's age; the use of underage agents is a very sensitive issue among licensees; and a law making it illegal for an underage person to possess alcoholic beverages may require reconsideration of the underage agent approach.

Conclusions:

The New York State 21 Enforcement Program resulted in a substantial increase in the enforcement of New York State's 21-year-old alcohol purchase age law. The combination of enforcement and PI&E appeared to have a deterrent effect in reducing sales and service of alcohol to underage drinkers. However, as a result of inherent program design limitations, it was not possible to determine the impact on the extent of drinking and driving by underage persons.

Some lack of compliance with the 21 law may be attributable to incomplete knowledge concerning the law. Managers in some establishments affected by the law had difficulty distinguishing between falsified and legitimate identification; some managers of establishments which sell alcohol beverages did not know what types of identification were legally acceptable. These findings suggest that training concerning the law and ways to improve compliance may be needed by the owners and employees of licensed establishments. The results of this study were used to legislatively require a specially identifiable driver's license for those under age 21. This distinctive license became effective January 1990 in New York. The new license uses a standard full face photograph superimposed on a card stating "Under 21" in red letters.

For additional information about this project contact: Dr. Pamela T. Anikeeff, U.S. DOT, NHTSA, 400 7th St. S.W., Evaluation Staff, NTS-02.1, Room 5125, (202) 366-2754.

U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

Official Business
Penalty for Private Use \$300

Postage and Fees Paid
National Highway
Traffic Safety
Administration
DOT 517

